

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA

Case No. 2:23-cr-7

Plaintiff,

v.

Hon. Robert J. Jonker

NATHAN WEEDEN

Defendant(s).

**GOVERNMENT'S
INITIAL PRETRIAL CONFERENCE
SUMMARY STATEMENT**

I. DISCOVERY

A. Statements of Defendant

1. Oral Statements (Rule 16(a)(1)(A))

☐

There are no written records of oral statements or other oral statements as defined in Rule 16(a)(1)(A).

☒

There are the following written records of oral statements:

FBI interviews 4/24/18, 10/29/20, 9/8/21

The substance of which

☐

has been disclosed to defense counsel.

☒

will be disclosed to defense counsel by July 12, 2023.

2. Written or Recorded Statements (Rule 16(a)(1)(B))

☐

There are no written or recorded statements or grand jury testimony of defendant.

☒

There are the following written or recorded statements or grand jury testimony:

FBI interviews 10/29/20, 9/8/21
Recording of defendant's "vetting" interview by "The Base" 6/9/2019

All written or recorded statements

☐

have been disclosed to defense counsel.

☒

will be disclosed to defense counsel by July 12, 2023.

B. Defendant's Prior Record (Rule 16(a)(1)(D))

- ☒ The Government has made due inquiry and is not aware of any prior criminal record.
- ☐ The Government has disclosed defendant's prior criminal history.
- ☐ The Government is now making inquiry into defendant's prior criminal history. The results will be disclosed to defense counsel upon receipt.

C. Documents and Tangible Objects (Rule 16(a)(1)(E))

- ☐ The Government has no documents, tangible objects, or physical evidence required to be disclosed.
- ☒ The Government has the following documents, tangible objects, and physical evidence:
- ☐ Drug Paraphernalia ☐ Drug Records ☐ Inventory (attached)
- ☐ Controlled Substances: _____
- ☒ Records: _____ MTU firearms check in/out records
- ☐ Firearms: _____
- ☒ Other: _____ Photos, chats, audio and video recordings, iPhone extraction
- ☒ The Government voluntarily notifies the defendant of the following search warrants issued and the warrant returns:
- ☐ State
- ☒ Federal:
- | | |
|-------------------------------|---------------------------|
| Case No. _____ NJ 20-mj-2125 | Re: _____ Google accounts |
| Case No. _____ MIW 2:20-mj-53 | Re: _____ iPhone |
| Case No. _____ | Re: _____ |
- ☒ They have been made available for inspection and copying by defense counsel.
- ☒ Defense counsel should make arrangements with: _____
SA John Fortunato or SA Aaron Erkkinen, FBI

D. Reports of Examinations and Tests (Rule 16(a)(1)(F))

- ☐ The Government has no reports of examinations or tests required to be disclosed by Rule 16.
- ☒ The Government has or expects to have reports of the following examinations and tests:
- ☐ Drug Analysis ☐ Handwriting ☐ Fingerprints
- ☐ DNA ☐ Firearms/Nexus ☐ Gun Operability
- ☐ Computer Forensics ☒ Other: _____ Cell phone extraction (Cellebrite)

E. Reciprocal Discovery

- ☒ The Government seeks reciprocal discovery.

F. Notice Under FRE 404(b)

- ☐ The Government does not presently intend to introduce 404(b) evidence.
- ☒ The Government does presently intend to introduce the following 404(b) evidence:

2018 investigation re: online bomb threats (Identity, Motive)

- ☐ The Government will provide pretrial notice of 404(b) evidence by _____.

G. Other Discovery Matters

II. TRIAL

A. The Government requests a ☒ jury ☐ non-jury trial.

B. The length of trial excluding jury selection is estimated at 1 week.

III. MISCELLANEOUS

The parties acknowledge that if the case is appropriate for expedited resolution, a joint motion for expedited sentencing shall be filed within 14 days of arraignment.

- ☒ The Government is unaware at this time of any known conflict with defendant's representation by counsel. The United States will immediately advise counsel if any such conflict becomes known.
- ☐ The Government is aware of the following potential conflicts:

- ☐ Government's plea negotiation policy:

No concessions for pleas entered less than two weeks before final pretrial conference.

Date June 30, 2023

Nils R. Kessler
Counsel for the United States